

REMARKS

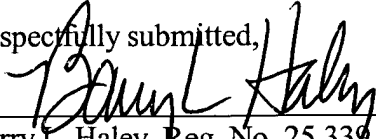
The Examiner's rejection of claims 1, 3 and 4 under 35 U.S.C. 102(b) as being anticipated by Driggott, 1182534 is respectfully traversed. The clamping device shown in the Driggott device is quite different than applicant's claimed invention in amended claims 1, 2 and 4. Driggott shows a clamp in Figures 1, 2, 3 and 4 that includes a dimple 20 that is engaged in a recess 20 (Figure 4) to hold the clamping device in place. Driggott further includes a lever arm 17 to swing the clamping device in place. The problem with the Driggott device is that the clamping device can be mounted only in one fixed position, relative to the "Boss" (dimple) within the gem stone housing virtually limiting the application of his invention to a molded stone. A shallow stone would be loose in the mounting and a deep stone would move the "Boss" out of the detent. With applicant's improved spring, the spring itself can be mounted at any depth in the passage to accommodate stones of different Crown-pavilion depths. Every type of stone has a different refractive index, thus stones are cut to maximize their particular light behavior characteristics and weight. The diameter may be the same but the depth changes. Applicant has amended claims 1, 4 and 5 to more clearly emphasize applicant's improved invention. The spring does not have any dimples in applicant's device but has a smooth exterior surface as does the passageway. Further, there is no lever arm as shown in Driggott.

The Examiner's rejection of claims 2 and 5 under 35 U.S.C. 103(a) as being unpatentable over Driggott in view of Korwin, 3670524 and Chia, 6629434 is respectfully traversed. With respect

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to claims 2 and 5, applicant provides the additional protection of having countersunk bendable prongs mounted near the bottom perimeter of the housing passage and sized to engage a portion of the spring to lock in position and engage the stone inside the setting, additionally the countersunk prongs being recessed into the mounting are not subject to wear or distortion as compared to Korwin's which is surface expose. In regards to Chia and Korwin, there are no provisions for a temporary placement of discs or three dimensional stones which would actually provide the customer the opportunity to wear and if so desired to change the insertable object, then permanently set when desired. There is no suggestion or motivation when looking at the three references cited by the Examiner to provide the countersunk prongs required by applicant to protect applicant's gem from removal. Applicant's device further provides for the countersunk prongs to be engagable to the spring, a feature not suggested nor shown in the references cited by the Examiner for a 103 obviousness rejection. For these reasons, it is believed that the claims as presented are allowable over the art of record.

Any additional charges, including Extensions of Time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,


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